











**CONFIDENTIAL**  
**SUBJECT TO PROTECTIVE ORDER**

Whenever only a portion of a document, transcript, or other material is deemed to contain confidential information, the party shall, to the extent reasonably practicable, limit the claim of confidentiality to only such portion. However, if such limitation is not reasonably practicable, the entire document, transcript, or other material may be designated as confidential information.

Notwithstanding the above, and given the expedited nature that Petitioner's petition may be given, Petitioner has already provided or is in the process of providing information that it has identified as confidential to the Consumer Advocate and the Commission. Such previously, or to be submitted, confidential information includes confidential financial statements of Petitioner Subject to challenge pursuant to paragraph 24, this information shall be governed by and protected under this Protective Agreement.<sup>1</sup>

9. With respect to any confidential information that is not under the control of the party claiming the information is confidential, other persons shall, to the extent requested by that party, cooperate to ensure that all copies of such confidential information bear the legend required in paragraph 8 above.

10. Any party may request the Commission to designate as confidential information any document or other information previously produced but not designated as confidential, provided that the party, in the manner provided in paragraph 5 above, specifies the subject-matter of such confidential information, the basis for the claim of

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<sup>1</sup> By executing this Stipulation, the Consumer Advocate is not waiving its right to so challenge any claims of confidentiality.



and any consultants retained by it for this proceeding, to the extent allowed by the Commission;

- f. Any other person approved by the party asserting the claim of confidentiality; and
- g. Any other person designated as a qualified person by order of the Commission.

13. When a qualified person wishes to disclose confidential information to a non-qualified person, the qualified person must request permission from the party claiming confidentiality. The request shall identify the non-qualified person to whom disclosure is desired; disclose any past, present, or anticipated affiliation between the qualified person and the non-qualified person; specify the exact information to be disclosed; and state the reasons for disclosure. If permission is granted by the party claiming confidentiality, disclosure of the confidential information shall be made to such non-qualified person in the same manner as provided for qualified persons in paragraph 14 below.

#### PROCEDURE FOR OBTAINING ACCESS

14. Prior to disclosing confidential information to a qualified person other than the Commission and its staff and counsel, the qualified person shall read a copy of this protective order, complete a copy of the agreement attached as Exhibit A to this protective order, and sign the completed copy of the agreement. A copy of the executed agreement shall be delivered to the party claiming confidentiality and the Commission.





this protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

18. Unless otherwise ordered by the Commission, if a party desires to file written testimony, exhibits or pleadings that contain or reflect the confidential information, only that part of the page(s) containing or reflecting such information shall be treated as confidential, and that part of any hearing at which such information is discussed shall be held in camera, or under other conditions imposed by the Commission to prevent unnecessary public disclosure of such information. A copy of any confidential page, with any such information deleted, shall be filed to be included in the public record, and each such page shall contain the following designation in the upper left-hand corner:

**Confidential Information  
Deleted Pursuant To  
Protective Order No. \_\_\_\_\_.**

#### RETENTION OF CONFIDENTIAL INFORMATION

19. Confidential information shall be retained in a locked cabinet dedicated to the storage of confidential information, or otherwise secured to ensure that access to and disclosure of the confidential information is limited to a qualified person.

20. Confidential information that is given to or filed with the Commission or its staff and counsel shall be separately bound and placed in a sealed envelope or other appropriate sealed container on which shall appear the following legend:

**THIS ENVELOPE IS SEALED PURSUANT TO  
PROTECTIVE ORDER NO. \_\_\_\_\_ AND CONTAINS  
DOCUMENTS WITH CONFIDENTIAL INFORMATION. IT  
IS NOT TO BE OPENED OR THE CONTENTS OF THIS**

**ENVELOPE DISPLAYED OR REVEALED EXCEPT TO  
QUALIFIED PERSONS AUTHORIZED TO INSPECT THE  
ENCLOSED DOCUMENTS.**

21. Confidential information shall not be reproduced or duplicated, except to make working copies and copies to be filed with the Commission under seal. If a document contains information so sensitive that it should not be copied by anyone, it shall bear the following legend: "Copying Prohibited."

22. If a court or other administrative agency requests, subpoenas, or orders production of confidential information that a party or person has obtained under this protective order, that party or person, prior to disclosure, shall promptly notify the party claiming confidentiality of the request, subpoena, or order.

**DURATION OF CONFIDENTIALITY**

23. The confidentiality of the information produced pursuant to this protective order shall be preserved until all interested parties, by written stipulation, terminate the protection conferred by this protective order, or until further order of the Commission.

**APPEAL TO THE COMMISSION**

24. If any interested person disagrees with the designation of information as confidential, the party claiming confidentiality and the person so disagreeing shall first make a good faith attempt to resolve the dispute on an informal basis. If the dispute cannot be resolved, the person contesting the confidentiality of the information shall file a motion to compel disclosure or any other appropriate motion with the Commission. The party claiming confidentiality shall bear the burden of proof in supporting its claim, and the Commission will determine whether the information shall continue to be designated as confidential under this protective order. Pending a disposition of the




embodying information derived from or incorporating confidential information to the extent reasonably necessary to preserve files on this proceeding. The files shall not be disclosed to any other person.

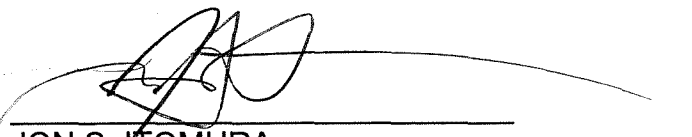
30. Confidential information produced in this proceeding shall remain in the possession of the Commission, the Consumer Advocate and counsel for the Consumer Advocate for the duration required by applicable statutes, rules and administrative directives.

#### SANCTIONS

31. Any person violating this protective order shall be subject to sanctions imposed by the Commission.

DATED: Honolulu, Hawaii August 31, 2005.

  
\_\_\_\_\_  
KELLY G. LAPORTE  
MARC E. ROUSSEAU  
NEILL T. TSENG  
Attorneys for Senter Petroleum, inc.

  
\_\_\_\_\_  
JON S. ITOMURA  
Attorney for the  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs

APPROVED AND SO ORDERED THIS \_\_\_\_\_, 20\_\_\_\_,  
at Honolulu, Hawaii.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By \_\_\_\_\_  
Carlito P. Caliboso, Chairman

By \_\_\_\_\_  
Wayne H. Kimura, Commissioner

By \_\_\_\_\_  
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
Commission Counsel

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, \_\_\_\_\_, have been presented with a copy of Protective Order No. \_\_\_\_\_ issued by the Hawai'i Public Utilities Commission in Docket No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 ("Protective Order").

2. I am employed, retained or assisting \_\_\_\_\_ in Docket No. \_\_\_\_\_ and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist \_\_\_\_\_ and that unless otherwise permitted by the Protective Order, I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person.

4. I further understand that at the conclusion of my assistance to \_\_\_\_\_, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to the party claiming confidentiality and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order and agree to abide by its terms and conditions.

DATED at \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address

(\_\_\_\_\_)\_\_\_\_\_  
Telephone Number



CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Protective Order No. \_\_\_\_\_, upon the following party (parties) by hand delivery or by mail, postage prepaid and properly addressed.

DIVISION OF CONSUMER ADVOCACY  
DEPARTMENT OF COMMERCE AND CONSUMER  
AFFAIRS  
P.O. Box 541  
Honolulu, Hawaii 96809

KELLY G. LAPORTE  
MARC E. ROUSSEAU  
CADES SCHUTTE LLP  
Attorneys for Petitioner  
Senter Petroleum, Inc.  
1000 Bishop St.  
Honolulu, Hawaii 96813

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
Chief Clerk